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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,444	12/30/1999	WETZEL	RCA-89.657	6333
24498	7590	09/27/2004	EXAMINER	
THOMSON MULTIMEDIA LICENSING INC			MANNING, JOHN	
JOSEPH S TRIPOLI			ART UNIT	
PO BOX 5312			PAPER NUMBER	
2 INDEPENDENCE WAY			2614	
PRINCETON, NJ 08543-5312			DATE MAILED: 09/27/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/475,444

Applicant(s)

WETZEL,

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,12 and 13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5,8-11 and 14-17 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/17/00 & 6/02/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Eastman (US Pat No 5,940,737).

In regard to claim 1, the claimed step of "selecting said satellite signal via an integrated receiver/decoder" is met by Figure 1-2. "The communication system includes a number of satellite receiving systems each having an IRD capable of generating either of two quasi-constant output voltage states intended to command an associated LNB to selectively receive and process one of two signal characteristics" (Col 3, Lines 49-54). The claimed step of "sending a first command signal from said integrated receiver/decoder to a selector switch" is met by Figure 1-2. "In the IRD, responsive to a state selection command or signal corresponding to e.g. a channel which may correspond to one of the three or more signal characteristics, the required signal characteristic corresponding to the desired channel is determined (e.g. from a channel map periodically broadcast to all IRDs). Under software control, there is then developed a state selection signal" (Col 3, Lines 59-65). The claimed step of "sending a second

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command signal from said integrated receiver/decoder to said selector switch once said integrated receiver/decoder has acquired and locked onto said satellite signal". Once the IRD locks on to the signal, the user may initiate a second command signal in order to acquire another channel.

Allowable Subject Matter

3. Claims 2-5, 8-11, 14-15 and 16-17 allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not teach or fairly suggest the concept of sending a second command signal from said integrated receiver/decoder to the selector switch, receiving and locking onto the selected satellite signal in the instance where the selector switch is coupled to the LNB corresponding to the first command signal, and disregarding the second command signal as recited in claims 2 and 8. The Eastman reference discloses the claimed step of "selecting said satellite signal via an integrated receiver/decoder" is met by Figure 1-2. "The communication system includes a number of satellite receiving systems each having an IRD capable of generating either of two quasi-constant output voltage states intended to command an associated LNB to selectively receive and process one of two signal characteristics" (Col 3, Lines 49-54). The claimed step of "sending a first command signal from said integrated receiver/decoder to a selector switch" is met by Figure 1-2. "In the IRD, responsive to a state selection command or signal corresponding to e.g. a channel which may correspond to one of the three or more signal characteristics, the required signal characteristic corresponding to the

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desired channel is determined (e.g. from a channel map periodically broadcast to all IRDs). Under software control, there is then developed a state selection signal" (Col 3, Lines 59-65). The claimed step of "switching in response to said first command signal, said selector switch to couple to a low noise block converter (LNB) corresponding to said first command signal" is met by Figures 1-2. "In an LNB or other receiving, processing and/or selection device external to the IRD, and responsive to the state selection signal, there is selected a particular chosen one of the plurality of signal characteristics corresponding to a particular state selection signal. In the preferred embodiment, the selecting process comprises decoding the state selection signal by counting the number of voltage pulses in the selection signal, and responsive to the decoding, configuring or controlling the associated external device to select or process the particular chosen one of the signal characteristics (e.g. a particular antenna, and/or a selected LNB in a multi-location system, and/or a particular polarization state)" (Col 4, Lines 6-18). The claimed step of "acquiring and locking said IRD to the satellite signal" is inherent to the reference. The Eastman reference does not teach or fairly suggest the claimed step of "sending a second command signal from said integrated receiver/decoder to said selector switch", "receiving and locking onto said selected satellite signal in the instance where said selector switch is coupled to said LNB corresponding to the first command signal" or "disregarding said second command signal".

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows:

- The Arsenault reference (US Pat No 6,430,165) discloses a method and apparatus for performing satellite selection in a broadcast communication system.
- The Arsenault et al. reference (US Pat No 6,029,044) discloses a method and apparatus for in-line detection of satellite signal lock.
- The Arsenault reference (US Pat No 6,310,661) discloses a method of broadcasting controlling data streams and apparatus for receiving the same.
- The Kiewit reference (US Pat No 4,876,736) discloses a method and apparatus for determining channel reception of a receiver.
- The Flynn et al. reference (US Pat No 4,959,873) discloses a transmission line switch.
- The Sugiura reference (US Pat No 4,608,710) discloses an apparatus for receiving satellite broadcasts.
- The Esch et al. reference (US Pat No 5,283,639) discloses a transmission line switch.
- The Leong reference (US Pat No 5,303,403) discloses an electronic switch for selecting satellite polarization signals.
- The Gagnon et al. reference (US Pat No 5,983,071) discloses a video receiver with automatic satellite antenna orientation.

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- The Maeda reference (US Pat No 6,128,352) discloses a receiving apparatus for performing digital broadcast channel selection and demodulation

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 8:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM
September 17, 2004


JOHN MILLER
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